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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Samantha Siva Kumaran, et al.,

Plaintiffs,

-against-

National Futures Association, et al.

Defendants.

1:20-cv-03668 (GHW) (SDA)

**Samantha Siva Kumaran and Nefertiti Risk
Capital Management, LLC,**

Plaintiffs,

-against-

ADM Investor Services, Inc.,

Defendant.

1:20-cv-03873 (GHW) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Presently before the Court are motions by counsel for the corporate plaintiffs (the “Nefertiti Plaintiffs”),¹ Randy Kleinman, (“Attorney Kleinman”), to withdraw as counsel in each of the above-captioned cases. (Mot. to Withdraw, 20-CV-03668 ECF No. 302, 20-CV-03873 ECF No. 219.)

Plaintiff Samantha Siva Kumaran (“Plaintiff Kumaran”), the client representative of the Nefertiti Plaintiffs, does not oppose Attorney Kleinman’s withdraw, but has cross-moved for sanctions and requests that the Court retain jurisdiction over Attorney Kleinman for purposes of

¹ Plaintiff Nefertiti Risk Capital Management, LLC (“NRCM”) is the only corporate plaintiff in 20-CV-03668. Attorney Kleinman has appeared on behalf of NRCM, Nefertiti Asset Management, LLC and Nefertiti Holding Corporation in 20-CV-03873.


that motion. (See Pl. Kumaran's Response, 20-CV-03668 ECF No. 340, 20-CV-03873 ECF No. 256; Cross-Mot. for Sanctions, 20-CV-03668 ECF No. 341; 20-CV-03873 ECF No. 257.) In any event, it is clear from the parties' submissions that there are irreconcilable differences between Attorney Kleinman and his client. Accordingly, it is hereby Ordered that the motions to withdraw are GRANTED.

The Court will give the Nefertiti Plaintiffs thirty days to secure new counsel. The Nefertiti Plaintiffs are reminded that corporate entities must appear before the Court through counsel and, if no attorney enters an appearance on behalf of the Nefertiti Plaintiffs by January 18, 2024, the Court may dismiss their claims for failure to prosecute. (See, e.g., 3/2/22 Order, 20-CV-03668 ECF No. 163 (citing cases).) The Clerk of Court is respectfully requested to terminate Attorney Kleinman from the list of active counsel in both Case No. 20-cv-03668 and 20-cv-03873.²

The Court retains jurisdiction over Attorney Kleinman for purposes of the cross-motion for sanctions. The Court will enter a separate Order regarding next steps on such motion as well as Plaintiff Kumaran's related motion to compel. (See Mot. to Compel, 20-CV-3668 ECF No. 337, 20-CV-03873 ECF No. 253.)

SO ORDERED.

Dated: New York, New York
December 19, 2023



STEWART D. AARON
United States Magistrate Judge

² The Court notes that Attorney Kleinman has retained counsel and appeared as a non-party in these actions.